

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

In re: Kenneth E. Robinson, Jr.

Case No. 12-62436

Chapter 7

Debtor(s)

**MOTION FOR AUTHORITY TO SELL ESTATE'S INTEREST IN REAL  
PROPERTY FREE AND CLEAR OF LIENS AND ENCUMBRANCES OF  
ANY KIND PURSUANT TO 11 U.S.C. §363(b)**

William F. Schneider, trustee in this case, moves for an order authorizing the trustee to sell the estate's interest in the below-described property free and clear of liens and encumbrances of any kind pursuant to 11 U.S.C. §363(b), and alleges as follows:

1. On October 25, 2012, an Order for Relief under Chapter 7 of the Bankruptcy Code was entered in this case.
2. Movant is the duly appointed trustee in this case.
3. The estate has an interest in the following parcel of real property which the trustee requests authority to sell:

ALL THAT CERTAIN lot or parcel of real estate containing 3.74 acres, more or less, located in Gordon Magisterial District, Orange County, Virginia, fronting on the northwest side of State Route No. 603, and being designated as Lot 7 in a plat of survey made by Hart and Bell, CLS, dated February 15, 1971, a copy of which plat of survey is recorded in the Clerk's Office of the Circuit Court of Orange County, Virginia, in Plat Cabinet A-2 (also see Map Book 4, page 83).

BEING all and the same property acquired by Margarita S. Adams, now Margarita S. Glodowski, by deed dated September 10, 1979, from William A. Cooke, Incorporated, a Virginia Corporation, recorded in said Clerk's Office in Deed Book 325, page 124.

The real estate is designated on the Orange County tax map as parcel #01100030000070.

4. The value of the unimproved property is uncertain. The Orange County Tax Assessor values the 3.740 acre unimproved property at \$61,900.00. The Debtor paid \$13,000.00 for the lot and estimates it is worth only \$10,000.00 - \$13,000.00 because he does not believe the lot contains an acceptable site for a septic drain field. The Debtor has exempted equity in the lot totaling \$700.00. Based on current market conditions, the Trustee believes that the Property is not likely to sell for the \$61,900.00 County tax assessment value and may sell for under \$10,000.00.

5. The trustee proposes to sell the property in the following manner:

a. The sale shall be free and clear of all liens, claims and encumbrances which shall be transferred and attach to the proceeds of the sale without change of amount, validity or priority.

b. The sale shall be by public auction to be conducted by Torrence, Read & Forehand Auctions on-site on May 23, 2013, at 12:30 p.m. The auctioneer's commission shall be 10 percent of the selling price plus advertising costs of \$750.00. The auctioneer shall bear all costs associated with the auction in the event the property does not sell for the minimum price or more, or if the sale is not approved by the Bankruptcy Court for the minimum price or more.

c. The sale shall be final only if and when approved by the Bankruptcy Court subsequent to the auction.

6. The trustee has determined that the following parties may claim a security or other interest in the property being sold: **N/A**.

7. The liens and encumbrances set out in Paragraph 6 and any later discovered liens and encumbrances, if determined to be valid, and any other shall attach to the proceeds of the

sale, pursuant to 11 U.S.C. §363(f). The property will only be sold for an amount greater than the aggregate value of all liens on the property plus unpaid taxes. 11 U.S.C. §363(f)(3).

9. The trustee reserves the right to withdraw from the proposed sale should circumstances require. Requests for additional information should be made to the trustee.

WHEREFORE, the trustee requests the Court enter an Order authorizing the trustee to sell the property described herein in the manner and under the terms and conditions set forth; and that he be granted such other and further relief as is deemed proper.

Date: April 2, 2013

William F. Schneider, Trustee

By: /s/ William F. Schneider  
William F. Schneider  
P.O. Box 739  
Lynchburg, VA 24505  
434.528.0411  
434.845.3666 (FAX)  
wfs@abellaw.com